

REDACTEDAUDIO2_VIKING_CAH2_SESSIO N1_25062024

00:05

Good morning everyone.

00:07

It is now 930 and I am starting this compulsory acquisition hearing for the application from Crystal production UK Limited for an order granting development consent with the Viking carbon capture and storage pipeline. We will introduce ourselves in due course. But before we do that, please bear with me while I go through a few housekeeping matters. Can I check that everyone can hear me? Okay.

00:32

Good. That's a good start. And can I check that the recordings on the live stream are started?

00:38

Next? Thank you very much. Can I ask are there any requests for reasonable adjustments or arrangements to enable participation? Okay, thank you very much. There are no fire alarm drills planned for today. So if it does happen, it is the real thing. And the evacuation is through the double doors behind these curtains onto the decking area. And there's a further gates that leads into the carpark if you need to the toilet to the restroom facilities that are just out here, turning right for the men's and left I believe for the for the ladies.

01:12

We do have the benefit of air conditioning in this room, but it is forecast to be a hot day. So both of those online and in the room if you want to take jackets off ties off no problem with that at all I am likely to dispense with my own at some point during the course of today.

01:27

And that brings us on to introductions because who am I? My name is David Wallace. I'm the Lead member of a panel of examining inspectors known as the examining authority to assess the application before us and my colleague to my right is Good morning. My name is John ghost. I've been appointed by the Secretary of State to be a member of the panel of inspectors to examine this application. Thank you. We do have a third member of the accepting authority and inspector called Alex Jack, who's apologises for not being able to be with us today. He's at home convalescing, and we wish him well and he will be watching the recordings of this event so he will be fully appraised of everything that is discussed here. We are joined in the room by our case manager Caroline Hopewell, who's supported by Miss Shanks here in the venue. And online. That is Gina shoreland. If you have any questions or concerns about today's event, please contact a member of the case team. And we're also joined by the

very capable hands of production 78 At the back who are running the event today. So thank you for that.

02:36

I'd like to welcome everyone here today. I'm here at the venue and those watching online. Thank you for joining us. I'm not intending to ask attendees to introduce themselves at this time. When we come to individual representations, you'll get a chance to state your name who you're representing, if appropriate, and be able to speak then and we'll come to that shortly. But first just a few sort of ground rules if you like about the the meeting today.

03:05

It is a blending event which means there's attendance in person and virtually.

03:11

We of course are attending this meeting in person here at Kennett Park, just southwest of love. And of course there are those attending online virtually and for those virtual just so that you're aware we have screens here on which your image will appear. We may not always be looking directly at you. But please be assured that you have our full attention the whole way through. We do intend to take a break around about 11 o'clock this morning and then adjourn for lunch around about one o'clock. But those times are flexible and depends on on how we get through the content today for those joining virtually during breaks, if you may need to refresh your your browser. And I would suggest keeping your camera and microphone switched off at all times to allow for your your privacy.

03:59

Second, it's important that everyone in the room recognises that this event is both being live streamed and recorded. And the digital recordings that we make are retained and published so they can form part of a public record for the next five years.

04:14

Consequently, if you participate in today's meeting, you do consent to your image being recorded and kept in that format. It is unlikely we will ask you to put forward any personal or confidential information or anything that is sensitive to you were unlikely to ask for that. But if you feel the need, that there was something you wish to disclose, in the first instance, please speak to our case team. And we'll get you to submit that in a format that is redacted Abul and ensures your privacy as much as possible in that regard.

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Thirdly, firstly, the applicant today will be invited after each of the representatives to speak and to respond to any questions or points that they wish the applicant

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does of course reserve the right to come back after the hearings in writing at the next deadline, which is deadline for the 29th of July. In writing with anything they've they want to say about what's been heard today.

05:13

There will be a period today where the examining authority will pose its own questions. Answers will be expected to be orally today, but again, can be followed up in writing.

05:24

To ensure that we're able to finish the business on time today, bear in mind, we do have an open floor hearing this afternoon at four o'clock. Please keep your representations brief to the point. We encourage you not to repeat matters that you stated in writing or you can of course elaborate on them as we need to hear. The purpose of this hearing is to provide you with an opportunity to put forward your views forward to us. In light of the number of speakers were under no specific time constraints, but we'd like to impose a time limit of 10 minutes per speaker, just to ensure everyone gets their their turn in the interest of fairness.

06:04

We may, of course, as I say, ask additional questions as we go along.

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That concludes this agenda item. But before I pass on to my colleague, Mr. Gorsky. To go through the next part of the agenda, I've just to sort of procedural comments to make, if I may.

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The first of those relates to the accompanied site inspection tomorrow.

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At the first point on the itinerary, we are going to the June valve station, a site down in Maple for the landowner has consented to us going on the site that has made us aware that there are cows with calves on the land,

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what I intend to do is we will get as as close to the field if you like as close to the June power station as we can and then carry out a dynamic risk assessment at that point. If it doesn't look safe to go on the land, then we'll retreat and continue with the the rest of the itinerary.

07:08

But if there is ample opportunity, I understand the applicants team has said they may not wish to to go on for the no for that for the risks associated, if necessary, myself and Mr. Ghost may proceed on foot the full way to the June valve station. But we'll take a view on that as we get there tomorrow.

07:26

On that point, it is a slight pity that this was arranged kind of hastily last week.

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Back in February, when the applicant's draft itinerary was sent over to us, it was said that we would visit the June valve station or go along a footpath ground conditions and weather permitting.

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And for all intents and purposes, it did not say much more was furthered in the days to guard it gaining access to the gym valve station itself, apart from during the course of the last week.

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don't have anything more to say on that other than that was a bit disappointed that we could not get this resolved in in good time. And I'd like to thank my team for for helping out with the arrangements on that. And then the second point procedural matter that I just like to point out is the applicant has made a second change request application, proposing six changes to the application.

08:31

Mainly a reduction of order limits and moving pieces here and there. That was made on Thursday, last week, the 19th, Wednesday last week, the 19th.

08:45

And that has been published on our national infrastructure website, we have not yet made a decision whether to accept that change request or not. We have until I believe the 15th of July to be able to make that decision.

09:01

Again, I just like to thank our team, because the

09:06

the change request came into us after hours on the 19th. And in order to get it available for everyone here to be able to have a reasonable chance of looking at that they worked around the clock to get out online.

09:22

I'd just like to I don't know if there's any more change requests in the pipe line I'll be asking about that later on. But just if I may just say to the applicant in the future, obviously change request. At this time, there's plenty of time even the examination to look through it and examine it. But in terms of just for notice for these hearings, it is highly likely that in response to our questions, you're going to be referring to it and rightly so. But there may be people here are not fully apprised of it and so next time, if there is an extra time, please ensure it says as early as possible to give the public the best chance possible of reading and digesting that

10:01

Thank you very much. That's my rant over if you like so, I hand over to Mr Gore's for the next item.

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And thank you, Mr. Wallace. Moving on to agenda item three. This is the purpose of this compulsory acquisition hearing.

10:19

The examining authority has to consider the test contained in sections 122 and 123 of the Planning Act 2008. In brief, we will need to advise the secretary of state whether the land and rights that are sought are required to build or to facilitate the proposed development, whether there is a compelling case in the public interest for the land or rights to be compulsorily acquired, and that the powers sought are legitimate, necessary, reasonable and proportionate.

10:58

As we move through the agenda items, we like to hear reference to a number of the documents which have been submitted by the applicant, and you may find it helpful to have these bookmarked for easy reference.

11:10

In particular, the documents which were most likely referred to are the draft development consent order. That's rep 302. The compulsory acquisition schedule, rep three Oh, 10 statement of reasons. Rep. 307

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book of reference, which is rep two owed to the land plans,

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as Oh, four, nine, and the Crown land plans

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as a one seven.

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In each case, I have referred to the latest version of the documents, including those which were submitted at deadline three.

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Mr. Wallace has mentioned about the change application. He also mentioned that this has not as yet been accepted. But it would be helpful if the applicant could briefly outline the changes which it is proposing and the reasons why these are being suggested. So can I ask the applicant to give us a brief outline there? Thank you.

12:18

Good morning, sir. My name is Alexander booth King's Council. Given that this is the first time I'm going to be speaking to the examination on behalf of the applicant, I'm just going to say introduce those sat

next to me because at certain points in the day, I'm necessarily going to pass questions along to one or other of them.

12:39

With your permission, sat to my right is Mr. Patrick Monroe of Berger, salmon, who I believe you've met previously and who is leads listed for this project. To his right is Mr. Rob Brown of GAPI Hamer, who will be speaking where necessary to land acquisition and negotiations matters.

12:57

To his right, is Mr. Paul Davis of harbour energy who will who is essentially the development manager for the project.

13:06

To his right, further along Mr. Nigel Pilkington of AECOM, who will be speaking to EIA and DCO matters where necessary. And finally to his right, there is Mr. Knoll Cunningham also of harbour energy who will speak to engineering and construction matters. So, in one or other contexts, it will be one or other of us that is speaking but as I say, Good morning.

13:32

Sorry yet yeah, yes, she is all of these behind me in tomorrow, I would only introducing those who are anticipated to speak Sorry, no disrespect was meant Maddy. I'm very impressed. You've got your batting order all sorted out and in line. So so thank you for that. Thank you, Mr. Booth. And the question was about the change application. Yes. So this first item, as you say, the change request, we notified the examining authority on the 14th, I believe, and you rightly say made the application on the 19th. And your comments as regards any future change, I should say there is no change anticipated at this point in time. But should one be necessary later in the process, we will bear in mind the need to have that made as far in advance or any particular the hearing date as possible, so as to enable all interested parties to become familiar with it in advance of that hearing.

14:30

In essence, as you're aware, this is not the first change request that has come in to changes have been proposed earlier in the process. We now have a further six proposed changes which in our application, were numbered three through to eight though of course in your letter acknowledging notification, the numbering is slightly different. You've put them one through six. I'm going to use the numbering in our application given that's ultimately how matters are stated in the 90 of June letter. Firstly,

15:00

In terms of what we term item change three, that is the relocation of block valve station three.

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In that instance, in short, what is proposed is to relocate a block valve station from the southeast of Louth road to the north of Laos road.

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The application is essentially or the application for change is essentially being made on the back of a request by the landowner, Mr. Shucksmith, who didn't provide initial feedback in terms of consultations, and it was only after submission of the project that he indicated to us, he would prefer the block valve station to be on the other side, if you like of Louth Road, both land parcels are within his ownership. So no other land interest

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is concerned with the proposal.

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If we are to move the block valve station across the road to the northeast, we then also need to move a proposed access and lay down area which was on the northeast northwest side of the road to the southeast. So we effectively swap those two purposes. And of course, there's a commensurate change in terms of the interest that we're seeking to enable that. But in essence, it's swapping the block validation from one side of the road to the other, and the laydown area and access commensurately to the other side. So that's essentially the proposal and that has the support of the landowner. I believe pinned has an email,

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in support to that effect. Certainly we have that if you don't have that we can provide it.

16:43

Yeah, I think we'll come back to you on that in a little while if you just go through the locations, but I think we will want to come back to Mr. Chuck Smith. Thank you. So next change for that relates to the Anglian Water Treatment Works. And I know the examining authorities familiar with that location, because I believe at previous hearing you queried the extent of land take that was proposed, as I think was explained to you on that occasion.

17:09

A 250 corridor was proposed specifically to enable flexibility, depending on where it was that Anglian Water would prefer the pipeline to set so as to avoid sterilisation of the remainder of their land asset. They have now indicated to us that they would prefer the pipeline to be located as far east as possible. And the relevant inspections have been made, such that we can confirm that that is viable so far as we are concerned. And on that basis, what we're looking to do is essentially narrow the corridor, which I believe responds to one of the concerns that you'd expressed previously, sir.

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And I know we'll come to Anglian Water later, because I believe they're on the call.

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The fifth change is essentially the removal of optionality in relation to the federal thought facility.

18:07

What we're looking to do here is take out option two from the application in circumstances where the ongoing discussions with MGT have borne fruit. And we'll hear later in the piece, I believe you've already heard the Inspectorate has already heard from MGT. I think this morning, that we have, in essence reached agreement with them in terms of the optional lease arrangement, it is simply a question of dotting eyes and crossing T's now. But change five is essentially to remove the optionality because that is no longer required.

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Change six is, in a sense, ancillary to the Federal Tort change change five, because there are a number of small modifications that need to be made. Following from the removal of option two, I believe that also

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entails removing from

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the draft DCO, the proposed acquisition of the land interests held by the tempests, who are another objector. So we will not be seeking to acquire their interests in light of the consensus that we've reached with ng t. So that's essentially change six, and then changes seven and eight are

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effectively the minor changes where we are removing accesses side accesses that were originally proposed as part of the project. But the relevant highways authority, I think northeast links has indicated concerns

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in relation to those two access points. And in light of those concerns, we're not pursuing those any further. So we're seeking to change the order so as to remove provision for the acquisition of rights in relation to those accesses. That's effectively the bird's eye view of the change request. If further detail is necessary, I can pass to my right

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Now that's really helpful. Misako thank you for that. Just a couple of quick queries.

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You said number six was dealing with the tempest land.

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We're going to come on to the CIA negotiations later. But we said that there were 11 objections, two of which were approved from the Tempest. So

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can I just be sure you were saying that you're not taking their land any longer, so they're effectively going to fall away as objectors. Rob Brown for the applicant, Mr. Brown, if you could speak up and speak. And it's because it's not just at the members of the zoning authority, it's those

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outside of this room who are going to need to hear as well, they probably do use red rubber and for the applicant, if the change request is accepted, it will remove their land from within the order limits.

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Excellent. That's very helpful. My second point, and of course, you're absolutely right, that this is all whether or not we accept the change requests. Well, my second point goes back to Mr. Shep Smith.

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And the concern there is that we don't engage the CA regulations

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and the 2010 regulations. And we'll only not engage those regulations if Mr. Shep Smith

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consents to, to to change.

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We have seen the the note that's been pushed in.

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I'm not Is that is that going to satisfy us in the sense that it's not actually signed by Mr. Shep Smith, it's signed by someone who may or may not be his agent.

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Just wonder if you've got any thoughts about that? Because it didn't seem immediately to satisfy unless there's a subsequent letter just around? Yes, Rob around for applicants. The Mr. Shucksmith also entered into heads of terms on the basis that that dream request is accepted.

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So we believe is in support of this scheme.

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Mr. Ross, if I may, in addition to what Mr. Brown has said, Just Just to clarify,

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the examining authorities question as I understand it, there's no suggestion that his correspondence or rather, the correspondence of a Third of May 24, is not sufficient to indicate consent, in terms of its content. It's more that the signatory is a concern that that's correct. Well, if that is the case, I'm sure that we can look to explore a further piece of correspondence from Mr. Shucks, to confirm that that is his

position, or else provide the examining authority with an explanation as to why the document is signed by his agent, as opposed to he himself. I don't know his personal circumstances, I'll have to check that matter. But certainly, as far as the content of the letter is concerned, for my part, my submission be that that's very clear on its face, he's supporting it. It's very much it's in.

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It's indeed at his instigation, that the change is being made. But you're right to

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raise concern as to the fact that that is not his signature and query then does it comprise consent for the purposes of the regulation? So we'll take that away? And we'll look to come back to you with a formal position on that by the next deadline. But I'm confident it's a matter that can be satisfactorily resolved. Absolutely. I don't think there's there's much I don't really want us to have sort of a

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discussion six weeks down the line as to whether or not the CA regulations are being complied with on a relatively minor point.

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I can take that as an action point. I think as

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we were outlining earlier, there will be a number of action points, obviously arising from today, and we'll be quite keen that they're resolved by deadline fall, which is towards the end of July, and I think that's some that's probably the first of the ones that

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will say

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wants to do any query

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right, carrying on now and thank you very much for for the explanation, Mr. Booth.

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Can I just touch on the same reasons and I don't know whether it's possible to bring up

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paragraph 14 One Three of the statement of reasons

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That's very impressively done. Thank you very much indeed.

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There's in conclusion here,

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for the for the case of for compulsory acquisition,

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that the significant benefits outweigh the private loss of those impacted by exercise of the compulsory acquisition powers.

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Can I ask that the applicant briefly outline the actual benefits that will arise from the proposed development?

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Apologies. I mean, essentially, I mean, the headline as the examining authority is aware is the contribution which this infrastructure would make to the government's commitment to meeting its net zero targets.

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We say that that is a fundamental and indeed overarching overwhelming benefit.

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In ecological terms,

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obviously, we've set out the position visa vie the benefits of the scheme,

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more broadly in this document, and I believe elsewhere in the application package that's before the examination. And to the extent that the examining authority would wish it were the content to provide a free standing document summarising

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the benefits, insofar as relevant serf or the acts as consideration are indeed sector states consideration. And ultimately, what this goes to is the question of the compelling case, and whether or not we're able to demonstrate a compelling case in the public interest to justify confirmation of compulsory acquisition powers. I mean, we say that on its face, when weighing those, we say overwhelming benefits in the public interest from the project more broadly, and turning also to the relatively limited nature of interference with landowners. And you will both be very familiar with projects, both nationally significant and otherwise, that have a far more invasive impact on landowners in terms of impacting

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residential dwellings. And

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commercial interests vary largely here, we're talking about agricultural land, which obviously, the impacts are significant for those landowners affected, but there is a sliding scale.

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And we say that when one stacks the benefits, in particular, the overwhelming overarching national interest in assisting the government to meet its climate change targets, as compared to the degree of interference with the

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particular interests in question, we say

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that there is admission, the benefits comprehensively outweigh the interference. But if you would like more detail on that, I think we probably best to put that in a written document for you.

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Well, you did touch on the point I was making there, because you spoke about the project more broadly. And if if

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when we look at the need case for the for the application, which is app 1131. It does jump somewhat between the benefits of the proposed development and the benefits for the completed pipeline, including the offshore elements when operational.

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As a result, that's that's a little misleading. And the examining authority has to concentrate on the specific benefits that this application brings without conflating it with the possible future benefits. If the option offshore pipeline is approved the compulsory acquisition guidance from the government states and paragraphs 12 and 13, that there needs to be compelling evidence that the public benefits of the proposed development, will outlay outweigh the loss to private land interests, which are to be acquired. So

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that guidance is very clear that we should be looking at the public benefits of the proposed development. And as I say, the knee case for the DCO does does jump around a little bit between proposed development but keeps highlighting the the benefits for the for the entire scheme.

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So I don't know if you want to respond at all on that, or we will come back in writing on that point, because it's obviously something that is a concern examining authority because I understand this is an issue that you raised or at least

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touched on at a previous hearing. Certainly, so far as I am the product team are concerned, this is not a situation where it would be appropriate to

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consider in isolation.

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The benefits of this particular DCO application

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given as it does provide one element

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of a larger project

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given that equivalent projects

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have also separated to some degree that onshore and offshore.

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And given that

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there simply is no realistic possibility that this development will be brought forward in isolation. Without effectively those offshore elements that we enable that would enable the project as a whole to function. And quite apart from anything else, it would be commercial madness for this applicant or indeed, any applicant

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to run to the cost of promoting and then constructing an onshore pipeline,

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the purpose of which would be, which would have no purpose essentially, where it not able to deliver the carbon dioxide to its offshore destination.

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We note what is said in the compulsory acquisition guidance and serve. That's not just a question of the Planning Act guidance, it's a question of compulsory purchase, I know you'll be well aware, compulsory purchase guidance more generally.

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That is that is absolutely right. However, that guidance does need to be applied practically and within context. And

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ultimately, it will be part of our case, as we will set out in writing that it is not appropriate to view this project simply in isolation. And that in weighing up the benefits versus the interference, what we say is the relatively limited interference with private interests in order to deliver this onshore element, it is not appropriate altogether to disregard

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those offshore elements, which will effectively comprise the second half. And I use that term very generally. So the second half of the project, in particularly in circumstances where there is no prospect that the onshore element will be constructed in circumstances where those offshore elements as necessary, were not also permitted and available for NA enabled essentially.

33:00

Thank you, Mr. Buddha. And I know what you say here, what you say.

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Come back to my point that I think the need case is a little bit misleading the way it sets things out. And I think what you should be looking to do is to set out these are the benefits for the proposed development,

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which are fairly limited.

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But there's all this down the line, there's all these other possibilities. I think you need to be straight that actually the public benefits of the proposed development are really limited. I mean, when you're putting on job creation, for example,

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you might then go on to argue well, actually, the the loss of private land interest is very limited. And that's a discussion that we'll have. But But what I think is you need to be transparent about the public benefits of the scheme. And and then you can say, yes, there's all these potential benefits, which might happen if the offshore consents come in. But at the moment, I think it is a little bit misleading in the sense that it does try and conflate the benefits of the onshore and offshore and I think you need to be a bit more transparent about that. So I'm thankful for that indication. I mean, the first thing to say is I can assure the examining authority and indeed, anyone else participating in this hearing that there has at no time been been any intention to mislead anyone?

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To the extent anyone has been misled, that's obviously regrettable. And

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we apologise for that, but I'm not sure I would accept that that has happened. Certainly, the intention has always been to represent this project as a very substantial element.

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Of what is a wider project,

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insofar as it encompasses also

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Marine elements. And so what I can confirm is that I see the merit in your, your suggestion that we approach benefits that will help to step back, if you like and represent the benefit case, so that it is clear what benefits we say, would be realised by this project

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taken in isolation and in a vacuum. And as you rightly say, Sir, those would be far more limited, because the overarching

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fit of the project is not delivered

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by this project, when taken in isolation, and as parts are in a vacuum, that is right to say, what we do say, though, is that there are limited benefits that would be delivered

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by this project in and of itself. And it is, to some extent, those benefits that need to be stacked up against what we say, are the very limited interferences with private interests largely relating to arable fields and so on.

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But in addition, we say that a very relevant and material consideration in the context of determining whether or not a compelling case in the public interest has been demonstrated

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is a very relevant consideration is that of the benefit that will be delivered.

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Once the entirety of this project comes online, and

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we say firstly, that that benefit will be extremely significant in helping to enable the government to meet its climate change ambitions. And secondly, we say that at this point in time, there is no reason to doubt that the second element of the project

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will be realised.

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And thirdly, and if and to the extent that there were concerns regarding exercise of compulsory purchase powers in relation to

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the first limb of the scheme, certain of those to the extent that the Secretary of State felt it was necessary, could be considered within the context of

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permitting of the second element of the scheme. And well, we don't go that far at this point. And and that's not on instruction. That's fine, Mr. Booth. And thank you for that. And we're just to be clear, we're not suggesting that there's there's been any sense of someone deliberately misleading it. And indeed, with the pressures that are undoubtedly coming from from on high from the government to accelerate these schemes, it would be very difficult not to include

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the the wider benefits of the scheme. So I can, I can understand why that's happened. But I, you know, it would be helpful for us because we're not, we're not really wondering about that what we're doing is looking at the

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exactly what the the the legislation, and the guidance says, and to make sure that

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the we have the right information in front of us. So thank you very much for coming back on that. And so unless you want to say anything else, we'll move on to the next. Yeah, no, I don't know just to confirm that we will produce this re presentation, if you like of the benefits.

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In light of the observations that you've made. That's very helpful, like coming by deadline for.

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Right, if we could move on to Agenda Item four, which is the submission from affected persons who've been very patiently waiting. So thank you for

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for that.

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Now, if I could just check, who I think we've got, because there's been a few changes very recently.

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We did have PD port services, but they're now not now attending.

39:05

And this will be the order that I'll be asking people to speak so we won't be hearing from them.

39:12

I think we've got Mr. Arnett from Phillips 66. who is joining us virtually.

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Yes. Good morning, sir.

39:23

Fine. Yes, I'm representing both Phillips 66 and associated petroleum terminals and humble oil terminals trustee limited, which I'll call future reference eight PT and ha TT.

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That's fine. Mr. Arnett. Thanks very much indeed for that. So you'll be first into bat.

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When when the representations come in.

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Then I've got Mr. Strawson, who's joined us.

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So he'll speak after Mr. Arnett and Mr. strawsons in the room

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Are we then got Giles Johnston, who I think is joining us virtually?

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There isn't. I'm here.

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Hello, Mr. Johnston. Thank you for so so you're you'll come in after Mr. Strossen.

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Doll Sweetland. Who is I can see on the screen.

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Thank you, sir. I'm representing Anglian Water Day.

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You couldn't join us today, Mr. Sweden, because you were here last time? Unfortunately not now.

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Nice to see you again. Thank you. Thanks for joining us.

40:36

And we were expecting engraves from national gas transmissions. But he's not we've had a message now that he's not coming along.

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Is there anyone else? Either in the room or virtually?

40:52

Who would like to who's an effective person who would like to say something?

40:58

No, there's no hands raised.

41:03

Okay.

41:05

If I could go back then to Mr. Arnett.

41:09

And ask you to come back come strong it? Yes, sir. Yes, sir. Good morning, sir. Yeah, so I represent I speak to Phillips 66. First, and I, I shouldn't I mean, I'm conscious of the 10 Minute deadline, and I anticipate probably only speaking for maximum sort of five, five minutes to update the examining authority. So just briefly, Phillips 66 Are the owner and operator of the humble refinery, which processes crude oil from the North Sea is one of the most sophisticated refineries in Europe.

41:40

This obviously relates to the gaming and facilities component of the proposed DCO scheme which is intended to be sited adjacent to the humble refinery on land owned by P. 66. You will be aware, sir, that Phillips six six registered an objection to the scheme, it's important to make clear from the outset that they very much support the principle of the scheme and remain committed to its implementation. The reasons for the objection were relating to the sort of details of proposed scheme and how in particular they impacted or may impact on P 66. Is operations and interests.

42:18

The I set out in the relevant representations if confirmed and written representations, there were essentially five rounds for the objection, that firstly, they were questioning in the original application the the amount of land that was proposed to be taken both permanently and temporarily for the purpose of the scheme.

42:39

Secondly, the PCs were concerned about the absence of any protective provisions in the original submitted draft DCO. Thirdly, they were concerned at that stage on the what was sort of known as pipeline route, option two, which was proposed to run through the Umbra refinery side. Fourthly, there was concerns around the construction and operational impacts, and it's into relationship with PCC sexes, operations and interests. And finally, there was a concern raised around the absence of any sort of an assessment or demonstrated assessment in relation to the sort of coma risk scenarios, please, sir, that there has been a good level of engagement between both pieces to six and the applicant. And as a result of that a number of the concerns have been addressed. First and foremost, examined authority will be aware of that material, the change application number one was proposed to remove the pipeline route option to be 66 are very much welcome. That that change requests and that that does resolve many of their concerns. In relation to the protective provisions, there have been a number of iterations between the parties and a broad consensus of agreement has been reached on those detailed terms are a couple of points to iron out. It's probably not for the purpose of this hearing. But we we do envisaged agreement being reached on on those terms,

44:09

sooner rather than later and certainly during the course of the examination.

44:15

Accompanying the protective provisions is our negotiations on a lease to enable the applicant to acquire the rights voluntarily for the aiming and facility component of the proposed development. Again, that is at an advanced stage of that negotiation. And then the third part of the sort of suites are voluntary agreements, as I call them, relates to an overarching agreement between the two parties regulating the proposed withdrawal of PCC sexes objection and

44:49

the exercise of peace, the applicants, powers if they were to be granted by the by the Secretary of State

45:00

All those documents are at a certain advanced stage. There are some final points to buy an out, but it is envisaged that those agreements will be settled shortly. And then it's a process of both parties getting sort of internal sign off and going through, they're sort of internal governance processes on the part of p 66. That that requires sort of board Board approval. And typically that that I'm instructed to that can take between four, four to six weeks.

45:33

In terms of residual points.

45:36

That, I mean, as I mentioned, there is a lease enabling the applicant to acquire voluntarily the rights to construct me the image and facilities component of the scheme. So I don't want to make a big point of it. But we put in our representations. And it's ultimately a matter for the

45:55

Secretary of State, that sort of query in light of the

46:01

voluntary acquisition of the necessary whites, whether it's then necessary in the public interest applying section 122, of the Planning Act for the for the applicant to to obtain compulsory, compulsory powers, I think what he's proposing is that they have that as a sort of fallback mechanism in the event of breach of the terms of the lease. Again, I don't want to make a big point of that, that we have sort of queried whether it's necessary in the public interest to acquire those, those powers compulsorily when, when those rights will be

46:38

within the suite of voluntary agreements.

46:41

And then I'm encouraged, I saw those sort of applicants response to our written representations. And my understanding is that the parties are engaging on the coma risk scenario. So that that is encouraging. And similarly, in relation to the construction operation impacts of the scheme in the interface between PCs, 60s operations and the DCO scheme, there is a proposal within the sort of overarching agreements, I call it for the establishment and operation of a working group to enable both parties to continue to share information that is relevant. So again, my client welcomes welcomes that. That that development. That's probably in summary, the So in short, p 66. Is,

47:29

is maintaining a suggestion at the moment on a sort of protected basis, but is working

47:35

towards an early conclusion of the suites of voluntary agreements. And following that the instruction would then be to, to withdraw its objection, but but you'll appreciate so that we're not in a position to do that unless and until the agreements have been settled. And and board approval has been obtained from P 66.

47:58

Thank you very much, Mr. Anderson. And I'll ask the applicant to respond in a moment before I do.

48:04

You mentioned about the objection from Phillips 66. I think there's also objections from associated petroleum terminals and humble oil terminals. So there are actually, I think, three objections that you're you're dealing with. So

48:23

at some stage, hopefully, if agreement is reached, they'll they'll will be withdrawn. But is that your assessment of the position as well, there are actually three objections that are outstanding.

48:35

This is to say, I mean, what I was intending to do is probably speak briefly separately to the VIP t and h. O TT objection in a moment.

48:44

Because again, the that's broadly correct. But is it just a slightly Yeah.

48:50

If you're, if you want to go into the speaker, carry on with them now and just deal with us as well, and the applicant can come back on both sides. Thank you. So yeah, so, the second projection as you correctly allude to is the projection on the part of AP t and h o t t. So they are the operators of the

49:10

IoT,

49:12

since the medium oil terminal jetty, and they are a joint venture company owned equally by p 66. And practice.

49:22

Objection was put in again, or based on the details of the proposed scheme. So again, similar positions P six, six, they support the principle and want to facilitate its its implementation, there was just concerns around the implementation and principally the interface between the proposed DCO scheme and the operation of the pipeline's because

49:45

the primary aspects of the HTTP and HTTPS operations is the is a pipeline operation of the pipeline corridor between the IoT oil depo Humber refinery, and that's it

50:00

stands for a common pumping station. Again, I won't go through same level of detail I did with PTC six. But the change request one has has resolved a lot of the objections that is atmosphere the route that was causing particular concern. The objection is maintained for the moment relating to order plot 174. And that's the again, it's the details, not the principal the details of the proposed permanent acquisition of the subsurface in that plot. And it's particularly into relationship with h2o TTS pipelines.

50:36

And it's probably fair to say the engagement between my client and the applicant has been, there's probably been less frequent than we would have liked. And certainly less than there has been with p 66. Following compulsory acquisition, hearing one there was, there's been one technical discussion, meeting between between both parties.

51:00

And also a draft now set of protective provisions because, again, it is the hope that the protective provisions and having a robust set of those would would resolve in practice, many, if not all of

51:16

my clients, concerns. So a mark up has been sent back. Again, that was over a month ago, and we haven't had a response. So

51:28

I was

51:30

hoping that a response would have been received in advance today. So I think, you know, again, we're working towards an early resolution of these matters. But my client would be asking for sort of better and more frequent engagement on the part of the the applicants. My understanding I've not seen as markup is that from speaking with the instructing solicitors for the applicant, that is that the principal in detail on much much of the protective provisions that were proposed that have been agreed, but as I say, as it stands at the moment, I haven't seen that, that markup. And similarly, I think there has been

52:05

a delay in responses that my client has sent asking for clarification around the essentially how closely the proposed pipeline is intending to run a relative to the H O TT pipelines, that that is sort of primarily the concern they, they don't want

52:22

the they want to ensure that there's sufficient safeguards and protective provisions in place and to enable them to continue to carry out their operations. So, again, you know, the intention is to support the principle of scheme or to work to an early conclusion of issues, but we're probably a little bit further behind in terms of where we're at with p 66. And so my client would ask for

52:49

perhaps more frequent engagement to to resolve those technical queries. And then similarly, it is it is hoped that an agreed set of protective provisions can be can be reached, and then those reflected in due course, subject, obviously to your recommendation and Secretary state's decision, but in the in the development consent order itself.

53:15

Thank you very much for that. Could I just ask you to? You mentioned you had specific

53:21

concerns over over one particular plot? Can I just ask you to repeat the plot number just so I've got its plot

53:30

at 174. So

53:35

brilliant. Thanks very much indeed.

53:38

Thank you. Mr. Arnot would like to respond. Thank you, Mr. Booth. Thank you. So I'm going to address the Phillips 66 Objection first. And I think I can do that very briefly. Sir. I note what Mr. Arnot says that his client is strongly supportive of the principle of the scheme.

53:58

And that's certainly our understanding.

54:01

We note also that there were a number of concerns, but those have either been already addressed through the first change proposed or or are now in the process of being addressed in terms of the suite of agreements, which the applicant is in the course of finally facing.

54:22

With Mr. On its team, certainly, it's my understanding that the option and lease agreement and the protective provisions, whilst not as he said,

54:32

eyes, we are very close, and that there are only one or two small matters outstanding, and we share his confidence and that agreement will be reached, and that on that basis, the Phillips 66 Objection will be withdrawn. We note that, as he says, it's being maintained now for now rather on a protective basis and we understand that it's not over till it over

55:00

But there's no concern on either side as to the ability to reach situation where both parties are agreed and the objection can be withdrawn. The only point I think that I would be to beside that is Mr. Arnot suggestion or rather, how can I put it gentle query as to whether or not

55:25

powers of compulsory acquisition should remain within the DCO?

55:30

Where agreement has been reached between the parties, particularly in relation to the option lease.

55:38

So, what I would say about that is you will be familiar with projects of this type. It is absolutely Orthodox and commonplace for compulsory purchase powers to be retained within development consent order notwithstanding that

55:57

applicant and landowner may have reached agreement. That sort of agnostic belt and braces or some copper bottoming approach, we say is entirely consistent with the statutory tests and the compelling case being necessary.

56:12

It's right that there be it's right as Mr. Arnot posits that, in circumstances where agreement is reached, those compulsory purchase powers will stand there only as a fallback position, they will serve as a fallback it wouldn't be the applicants intention to utilise those they are there

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would be there, as they are always there in such circumstances, in order to protect against

56:40

a breach of agreement by that

56:44

protects against a scenario where for whatever reason, there are unknown interests that haven't been anticipated

56:52

in respect to which those compulsory purchase powers are necessary.

56:58

If there is a compelling case, to justify compulsory acquisition on the basis, and we say there is one we'll come back to on the point, in terms of benefits of the project, we say there is a fundamental and overarching strong national public interest case. If that case is made out if that is accepted by the examining authority in the Secretary of State, it is entirely appropriate that the fallback position be maintained. Of including that is retaining compulsory purchase powers, notwithstanding the fact of agreement hadn't been reached between the parties to ensure that the project is ultimately deliverable. And it would be wholly undesirable that

57:41

a particular party's interests because of compulsory purchase powers not having been retained within the order that a particular interest, potentially frustrated delivery of the product as a whole that can't be allowed to happen. And it's for those reasons that we would say that the full set of power should remain in the order of a thank you. Thank you, Mr. Booth. Can I just interrupt? I don't think we want to go too much further with this discussion on this. I think Mr. Arnot has raised us and I think bearing in mind

where the negotiations go, he may want to put her to put his case a bit more strongly at deadline for but I don't think we necessarily want to be debating much further to debut if you don't mind. Happy to leave that there. And then to move on to abt and H OTT. so far is that is that objection? concerns

58:35

that Australia's clients are supportive in principle.

58:40

Albeit, the position is here that, again, they wish to maintain their objection on a protective basis.

58:49

We note that a number of their concerns have been resolved through the first change request.

58:59

As I understand it, what's being said is that engagement has been more limited in relation to this particular objection, and that we haven't got as far down the track. Certainly, I'm not sure I would accept the suggestion that engagement has been more limited, but I would accept the proposition that we are not as far advanced in terms of agreeing protective provisions and so on. That said, I think we are in good form. And I share Mr. On its optimism. That agreement will be reached between the parties. In terms of his observations about protective provisions.

59:33

We did receive a set of protective provisions as he says a month ago, the changes and amendments proposed were extensive, and it has taken some time to work through those. But consistent with Mr. Arne, it's understanding following discussions with Mr. Monroe to my right. Our position is that in fact, the

59:56

draft PPS will be sent back certainly this week and

1:00:00

In all probability tomorrow, so the position is moving forward, we are making progress,

1:00:08

we will reach the finish line where we will reach the finish line in advance of the combination of the examination. I don't think I need to say anything further there unless you wish me to do so.

1:00:24

Okay, thank you very much for that. Thank you for that for that precis on that.

1:00:29

I do have a couple of questions that but there for yourself. Mr. Arnot just points of sort of clarity. You mentioned with the status of Phillips 66, that once you've got agreement, Board approval is required.

So four to six weeks to get Board approval. So there's all likelihood that will be within the the examination.

1:00:50

Obviously, you said you're a bit behind with the AAPT H O TT. The applicant has just said, hopefully, there'll be a combination within the examination. What do you also have a board process with the AP T, H, O, T and D are you do share the confidence that an objection may be removed within the examination timetable?

1:01:12

Thank you. So So

1:01:13

sort of cards on the table. I haven't specifically got instructions from a PT and ha TT as to their internal governance process. Okay, but but I do shit and not not and I that's something that I will take instructions on and follow up, I think, is it deadline for that we have to sort of summarise what what representations we have made. So I can come back specifically on the internal authorizations point. But but that that being said, you know, I do share the

1:01:42

confidence on the part of the applicant that these these remaining issues will be, will be addressed and ironed out. And it's certainly an intention to, to, to withdraw the objection once those those issues have been addressed. And I envisage that would be quite comfortably within the examination period, but I will specifically come back on the the internal authorization process and estimated timescales.

1:02:10

Okay, thank you very much. And just one second question. You may have nothing to say on this, it's a bit of a left field as it were. But in the book of reference at the other end of the pipeline down at the federal fork, and you are down, Phillips 66 is down as having a category two interest in land north of Mears bank plots. 36 836-936-1036 11. And it was only really, if you had any comments at all on on on that land interest or if there's any concerns in that area?

1:02:50

I think so it's probably best that somebody that we can look at and come back to and in writing on. So thanks for drawing that to my attention. I don't sort of have comments to make at this stage or or instructions on that point. But we will thank thanks for raising that. So and we will have a look at that and see the extent to which we are not we have any, any comments relating to that and, but we can we can come back to you in writing on that. Okay, thank you very much. Hello. Just come across to the applicants team. Obviously, you've heard they'll come back in writing. Is there anything you wanted to say on on that point at all before we move on? No, sir. I don't think so. At this point. Okay. Okay. Thank you very much. Sorry, John. Over to you. Thank you very much. Mr. Arnett?

1:03:37

Right, moving on to

1:03:39

next person, Mr. Strawson. And I think you've got Mr. stapler, Coxon who's

1:03:47

come with you? So Mr. Strawson. Have you any objection if we just on the land plans bring up the land plans showing your plot?

1:03:59

No objection. Yeah. In that case, could could we bring up the land plan safer for block 14 114 stroke one?

1:04:35

Brilliant, thank you very much indeed.

1:04:39

I mean, that's obviously just to give us a guide for the area they were talking about.

1:04:46

And I think it's around

1:04:50

Barton street roundabout, Beatles Abbey Road, in that kind of area.

1:05:00

So Strossen Do you want to how much land you own? In total? And how big is your farm?

1:05:09

About two and a half 1000 acres in the family? Two and a half 1000.

1:05:16

Right, Ken, what you want to say today?

1:05:21

Well, not a great deal. Really, I'm not here to be difficult. But I came here because I thought when you were putting in a pipeline, that the best thing to do is to draw a straight line, and then see where it had the impediments, and go around them. And the first

1:05:42

draft, which I saw,

1:05:45

had some peculiarities which were not justified. And it was like going around two sides of a triangle for no apparent reason. And I've been shown today a plan, which has got a lot more logic to it. So to a

large extent, my objection is withdrawn. The only worry I have concerns the trees at the left hand top left hand corner, though way of showing the on the on the screen.

1:06:18

There are some material trees there. And you'll see if you go around, have a look tomorrow,

1:06:26

you perhaps need to try to

1:06:31

avoid trimming the roots, which means keeping out of the canopy. Because I've always been told that the roots go in about as far as the canopy. And

1:06:42

if you do that, and have a look at that, or vice plans, which

1:06:49

are more probably in keeping with my

1:06:54

thoughts, there's not a great deal to object about concerning the route. In fact, it goes further away from the manor, which is a grade two listed building. Right in the top left corner. And the the other thing, one of the other things that I would mention is that you're going right through this Kansas, and Miss Kansas is probably known as big emphasis. It's

1:07:24

Southeast Asian pump, which is used to generate fuel for power stations. So we're all on the same side of that we're trying to minimise carbon reduction and then

1:07:38

the fossil fossil fuels

1:07:40

thing of the past we hope and and so on.

1:07:52

So yes, if yes,

1:07:55

if the committee are happy,

1:07:57

it's going reasonably direct route,

1:08:01

then I don't have too much to add.

1:08:07

Miscanthus costs 1000 pounds an acre to establish in the scene of things, that's not a great deal of anything.

1:08:18

And

1:08:23

I think I

1:08:25

think I rest my case, Chairman, because

1:08:28

it may well be that so having had my

1:08:32

requests, and if you were showing me that you're gonna have a fairly direct route.

1:08:39

We've no need to be here. Thank you.

1:08:43

Well, firstly, Mr. Ross, and thank you very much for being here and attending today.

1:08:48

Now the sun's finally come out, you're probably very busy with the, with your two and a half 1000 acres. So we do appreciate you coming in and making a contribution.

1:09:00

Strictly speaking, you you haven't made an objection.

1:09:05

Up till now you've made representations, but they don't actually say

1:09:10

you're objecting. So I think you're saying, bearing in mind the additional information you've received today you're you're not minded to, to actually object to the proposal, although hopefully there'll be take account of the tree roots in the top left hand corner you pointed out? That would be correct, Chairman. My main concern is that we don't damage the trees in the top left hand corner of the map, and that we go a sensible short way, which in fact, goes to the north or north east of

1:09:51

Ashby can fenby When the one plan ISIL any other plan I've ever seen because I haven't been kept informed. Obviously.

1:09:59

It was released

1:10:00

southwest.

1:10:03

Right. Thank you, Mr. Strawson. Booth, do you want to come back on that?

1:10:08

Just to say that I think that it appears, there's to me appears to us, I think there's been some degree of misunderstanding between the parties. And obviously, very often is the case, as you will well know that hearings like this provide an opportunity for parties to sit around a table and clarify certain matters. And my understanding is that on the basis of the clarifications regarding the routes that have been provided today, as you've clarified to Mr. Strawson, doesn't, in fact object to the routes that we're proposing. So in those circumstances, I'm not proposing to address points of other points of concern, which I understand Mr. Strawson, formerly held, and, and to see to justify the route across his land, because in the absence of any objection to that route, there's no real need for me to do that. So that's really it. So I'm not really proposing to say anything very much at all safe to say that, I know that Mr. Strossen says that the route will run through or partially through his crop of Miscanthus. And certainly, we recognise that and recognise also, that insofar as the construction of the pipeline through that crop results in some degree of financial loss, then that would very definitely be the subject of compensation. So we are aware of that and the live to it. Beyond that, though, I don't think I need to say anything further. And it's simply, as you say, to thank Mr. Strawson, for attending.

1:11:52

And it's been beneficial for us. And I believe, also for him, because we now are all pointing in the same direction.

1:12:01

Thank you, Mr. Booth. So I don't object to that. Gentleman at all.

1:12:07

Do you think you want to have a look tomorrow and make sure that you don't impinge the roots of any specimen trees? unless it's absolutely necessary?

1:12:21

Thanks for asking. And hopefully, you'll take that on board as well. Yes, sir. Absolutely. Sorry. No, I should have mentioned that point. Also, I mean, those to my right. I'm better equipped to speak to that

point than I am. So I don't know if you wish to hear from either Mr. Pilkington or Mr. Cunningham on that point, but I'm certainly in terms of

1:12:42

the general

1:12:45

approach to certainly mature trees is very definitely to cause minimal water minimise impact. And that is a guiding principle. I don't know if either Mr. Cunningham or Mr. Pilkington wish to speak to the treed area that Mr. Strossen is referring to or whether that's something that could perhaps better be dealt with when we're on site in the ASI. Mr. Strawson won't be at the air. So I don't think you'll be able to come along tomorrow. So we've been helpful if you could say something today, just just one, Mr. strawsons in

1:13:23

the box and to the 10.

1:13:29

Yep. So that that'd be absolutely fine. If he if he's able to come along. But we would you like to respond to that to that. Yes. nodule Pilkington for the applicant. One of the things I would say here is that we have it's one of the benefits of having sort of limits of deviation.

1:13:46

We've got 100 metres to work with in terms of the specific routing. We have had arboricultural survey done to the British standard. The tree group here was classed as, as, as Class B. Sorry, Category B group of trees.

1:14:07

We did I had a meeting with Mr. Strawson a few weeks ago. And we didn't commit at that meeting to get the arboricultural back out on site to meet Mr. Strawson. And to look and see if we can find a path of least resistance. I don't think the loss of trees of one or two trees is possible. I think there will be some tree loss. What we can do is down to make sure that that's minimised as far as reasonably practicable. And also worth saying that where we do go through that line of trees will be narrowing down to a much narrower working width than the typical 30 metres we'd be down to

1:14:47

up to 10 metres. So but the flexibility of the 100 metres means we can aim I don't know whether there will be a sort of a gap or an area with you know

1:15:00

A species we might want to, to aim for. But we'll certainly do that on site and see if we can agree. A path of least least resistance through the trees. Yeah, that's very helpful. Thank you. Thank you for that, Mr. Pilkington. If there is to be a loss of trees, will there be some replacement trees?

1:15:20

The world is a commitment to, to for one replanting for any tree loss. One thing I would say is the replacement trees are unlikely to be able to be planted directly over the eight metre easement.

1:15:34

We have planted replacement trees in the gaps already. beech trees mainly

1:15:41

bought a big lot and we've put quite several in and they'll be for future generations to enjoy.

1:15:49

Have that just say one thing, Chairman, if I may, and that is that we had 16 summonses served on us. In other words, for postal, for email, for hand delivery, and for the current member. And we've also been told that we would

1:16:10

be paid money if we signed, I get the 500 bound for the signature. Were all of which we objected. We didn't think it was quite right to go on that basis.

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But I think very much Mr. Strawson. And

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we'll we'll

1:16:30

we'll see you tomorrow at the ASI. Mr. Mr. stapler, Coxon.

1:16:36

If you could make arrangements with our case officers about our income on that, but thank you very much for attending today. That's been really helpful. Can I do yourself one thing? Mr. Johnson was here and he represented me and now lots of other farmers because he's extremely reputable in the county, and the as he wishes anything else on my behalf?

1:17:01

Gentleman No, I don't think I can add anything constructively to Mr. strawsons comments, because he's made already.

1:17:11

So we'll probably retire and what we do, you can be excused. Yeah, you've obviously got a busy day ahead of us. So thank you so much for coming along today. And that's that's very much appreciate. Appreciate it. Thank you, Mr. Olsen. Well, thank you all.

1:17:27

So if I if I may just make one final observation, just so that there's no

1:17:32

uncertainty or confusion on the point, the payment that Mr. Strawson rightly refers to those were payments, that I've worked payments or payments in respect of intrusive licences. It's grounded in our system. Thank you. Fine. Thank you. Thank you very much for that.

1:17:50

Mr. Strossen, we're probably going to be a journey in 15 minutes from now. So you can Mr. Mr. Johnson is about to have a word. So you may want to stay for that or you may want to

1:18:01

go? Yeah, we're around 11 o'clock. We'll have a break.

1:18:13

Okay with you. Yeah.

1:18:16

So, Mr. Mr. Johnson, thank you very much indeed to you for his heading today.

1:18:23

And I think that you are going to be speaking on behalf of Mr. Caswell and and Mr. Unsworth.

1:18:32

So not sure which one you're going to start with.

1:18:37

Good morning gentlemen. Giles Johnston, odd agriculture on behalf of affected persons. The first which would be Mark Robert Caswell.

1:18:46

Interrupt Kim, can you just perhaps bring up part of Mr. Caswell around is it are we talking?

1:18:54

Land Parcel 21 921 Nine and 2110? Yes.

1:19:04

I think 2110s on the edge of the road isn't

1:19:08

21 Nine, the former railway line

1:19:17

Thank you carry on.

1:19:21

So, Mr. Caswell has been contemplating the development of an intensive livestock unit in the extreme northeastern corner of the field that's designated plot 21 Nine

1:19:34

that's an activity that's been contemplated since 2020.

1:19:40

The order limits as shown on the plan their conflict with that proposed development and

1:19:49

the order limits are showing 100 metre wide corridor within which ultimately they'll end up being a an eight metre easement or that was my understanding of the intention.

1:20:00

And then a proposal

1:20:02

and there would be a 30 Metre 30 metre wide working with

1:20:08

Mr. Caswell his concern is that

1:20:12

at the moment he's submitted what's called a pre AP or pre application notice to where Eastlands a district council

1:20:21

to seek their views on a development of an intensive livestock unit in that

1:20:26

location.

1:20:29

If he is suitably encouraged by that response, and He then proceeds to make a formal application

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wherever fully anticipating that the project that making will the applicant will object to that, because there is a conflict between

1:20:46

the proposed development and the order limits as in the to overlap.

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The problem that my client has got is that

1:20:59

he considers that there's been

1:21:02

an adequate dialogue in terms of whether the two can coexist.

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If the project is needing

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an eight metre permanent easement or effectively a permanent easement a 999 year lease

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and requires 30 metres within which to

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construct that

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it feels that

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the 100 metre corridor conflicting with that is inappropriate.

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The statement of reasons that you displayed earlier under clause or paragraph 14, one to say to the order land includes only the land that is necessary, etc, etc. And that the extent has been reduced through consultation responses and efforts to reach negotiated settlements.

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Mr. Kosmos position is that

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and I've got so my own looking at the plans is I am unclear as to how it's been reduced, because it appears to be consistent throughout the entire route. We do feel that if it was to be reduced, the order limits were to be reduced, then the two could coexist. Or at the very least, if there were to be some kind of reassurance from the project from the applicant, that within that flexibility that was talked about before limits of deviation, that the pipeline could be constructed at such a position within the limits so as to not infringe on the proposed development that would satisfy Mr. Casal. Wells needs and enable both developments, obviously of completely different scales. But relatively important in the same way I imagined to both because both businesses

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are following on issue is that it's not uncommon when consent for a project of this nature has been achieved, that the unit could be expanded and extended. And given again, given the the orientation of the order limits and the proposed development that is likely to prevent that in its current form, that it would be not possible. Again, without objection and probably not possible full stop to expand that unit. If the business activity down there

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progressed in a satisfactory manner and the landowner Mr. Caswell sought to expand the operation.

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The applicant is seeking a 999 year lease

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which is an effective freehold acquisition.

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And I was always brought up on the example of a 999 year lease backwards would take us to the time of the Norman Conquest or probably just before. I'm not aware of any business structures that were around then that are still around now. And I do wonder as to the proportionality and necessity of the term of that nature, particularly if it is going to shift the burden of risk of future business opportunities on to a relatively very modest landowner interest.

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So I think fundamentally, Mr. Caswell is looking for a phrase that's been used already better engagement

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in terms of attempting to see if the two interests can align.

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Thank you.

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You say there's been some pre application

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between Mr. Caswell and the council?

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Is there have you been able to

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provide the applicant with a plan showing the the landing question.

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The assert the applicant has been provided with a copy of the pre application

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form and the accompanying plans. And it is common ground that the to do conflict, I believe it will be fair to say, I have seen an iteration of the planets on the screen now, that does show superimposed the potential development and it is clear that there is a conflict between the two.

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But I think that Miss Johnson

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responds to both. Thank you, sir.

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Firstly, just to clarify one matter, and of course, they're parallel workstreams, if you like, insofar as in the course of discussions between the applicant and Mr. Johnston on behalf of Mr. Caswell, what's being discussed is, uh, I understand the 999 year lease. But of course, those are not the powers that we're seeking from the examining authority in the Secretary of State because we don't,

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we don't have the power or rather the secretary doesn't have the power to grant

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compulsory acquisition in respect of a leasehold interest. We're seeking the freehold interest in relation to the DCO.

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In terms of

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what's being proposed, the first point we note is that

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the relevant representation in January this year, it's fair to say I don't think did raise the issue of the livestock unit. That issue was only raised, I believe, in April of this year, I think it was when the written representation came in. So notwithstanding

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mis intention has been or either this potential intention has been under consideration by Mr. Caswell since 2020. It's only in April 24, that we were made aware of it.

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So far as what has happened goes, we understand that

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Mr. Caswell has approached local planning authority and entered into the pre application discussions. And as I'm sure the XA knows, what that means is, it's the bare bones of a notional development, which are put to officers with a view to gauging how the authority is likely to react in the event of a full application being submitted. So we have those plans, and we are currently giving consideration to them. And what we've done is to overlay the proposed I believe it's a pig unit across a version

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of the plan of the audit plan and there is a degree not a significant degree, but there is a material degree of

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overlap.

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In terms of how we take matters forward.

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As I say, we are analysing those materials, we are slightly unclear as to why it is that the big unit needs to be located where it is proposed to be located. Given that there is a very significant area

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in which it might potentially be situated. So we're not quite clear as to the necessity of this precise location.

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Ultimately, in the event that the pig unit, or it was sought to locate the pig unit in that particular location, it may well be that it is possible for the two facilities to coexist, because it would not be necessary to

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route the pipeline within the footprint of the pig unit. And so we could have our eight metre easement and indeed potentially the 30 metre construction

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route on other land.

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But you'll understand that we're not in a position to confirm that as yet. And insofar as Mr. Johnson says, Well, we think this wider 100 metre width corridor you you've heard from others previously, I know and I can call in Mr. Cunningham. And Mr. Pilkington, if you'd like to hear further today, there does need to be a significant, limited, but still significant.

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flexibility in terms of routing. That's why we have order limits. And that's why every pipeline proposal that I've ever been involved with, has had limits of this type. And I'm sure that's been your experience also. So that's because ground conditions simply aren't known. There has to be flexibility depending on what may what one may come across. All I can say is we're not in a position to give any assurances or undertakings at the moment, we will say, explore the position by analysing this documentation.

1:30:00

which I think we got last week. Certainly I know Mr. Brown was talking with Mr. Johnston last week, and we will look to engage with him further and seek to reach agreement. I mean, we are seeking to reach agreement with Mr. Caswell in the same way that we are seeking to reach agreement with every other of Mr. Johnston's some mining 26 landowning interests that is he and his firm are acting for. So we will look to pursue that.

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If indeed, ultimately the position was that the pig unit had to be in this location. And similarly, the pipeline had to be in that self same location,

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there would potentially be a right to compensation on the part of Mr. Caswell and that's the way the system works and where it could be demonstrated that this was the only

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footprint that the building could occupy, or that the extension to the building could occupy and work the position that we couldn't accommodate that by moving our pipeline routing and the easement further to the west. If that were actually the position, then ultimately, it would be a matter of a compensation and there would be an entitlement to it on demonstration of loss. So that would be the worst case scenario. i The worst case scenario is that Mr. Johnson's plan would be financially compensated, but we would hope it wouldn't come to identify we can't take matters any further at this point.

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Thank Thank you, Mr. Booth.

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I owe you say about the original representation. And looking at our our oh six one, which is the representation made by by Mr. Cows while you're you are right that there's no reference to

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the the possible development of, of the pig farm.

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Now situation at the moment is that Mr. Caswell, strictly speaking hasn't objected.

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He's just put on representations.

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So

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I don't know what else you want to say Mr. Johnston. But obviously, there needs to be a serve. There needs to be a clarification of Mr. CASS was positioned by deadline for which is at the end of the July, bearing in mind what Mr. Booth just said, If you got anything else your say?

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Thanks, sir Giles Johnson on behalf of markcaswell.

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I think all we're looking for is constructive engagement, and an acknowledgement of the complication that arises the physical overlap. And one would hope that those representations don't need to convert to a formal objection, and then in fact that the representations can be withdrawn. But it is just really trying to

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deal with the issue that the applicant has just confirmed is they're not really able to provide any more information on and that's the conundrum for a landowner is that they're being asked to enter into Voluntary Arrangements on the back of

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very limited detail.

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Thank you.

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Just very quickly, if I may, before we move on for Mr. Castro. Obviously, it's all hypothetical as such, but in terms of a timetable, if, if East Lindsey council came back and said, Yes, we're happy with the pig unit. What sort of timescale would No, I know, it's hypothetical web in terms of putting an application in getting determined that kind of thing.

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Giles Johnston on behalf of Ark as well.

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The physical construction of the pig unit is a very swift process, the modular buildings, they can be physically erected within literally a matter of months, the more time consuming

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stage will be obtaining the consent, particularly if it's in the face of an objection from the applicant.

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I would think you are looking at a 12 month minimum period. Okay. Thank you. Thank you very much that I'll just come back to the to the applicant just in terms of a very quick question if you'd like the chicken and egg scenario as to whether the planning permission.

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If it were to be granted if that were to come first before the department consent, if it was granted again, it's if if if but in terms of if the section 78 got approved first and then the DCO or whether the DCR was approved first and the sections that 78 Just just the for the benefit of the the objector or for the benefit Mr. Sayle just how that they interact with each other please?

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I suppose I'm

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understanding petitioners I think Mr. Johnson supporting it I mean,

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the next stage on his side of the fence or his client side of the fence is for

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is it North Lindsey or East Lindsey to come back with their view in

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relation to his pre application proposals. It's then open to him to revise his proposals to do something slightly different to press ahead what he's proposed with and submit a planning application in circumstances where the planning application was submitted.

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Certainly, if Planning Commission was simply granted by East Lindsay, then I don't anticipate it would be anything like 12 months, I think it's I don't know what the statutory period is now. But I think it's going to be a matter of of eight to 12 weeks. I don't think it could be any longer than that.

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So they might have their permission at that stage, if permission was refused by the Council for whatever reason, there would then be an appeal

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pursuant to section 78, if Mr. Catterall wish to pursue the matter to appeal, and again, that is slightly more difficult to predict, you'll be well aware of the pressures that pen does under in terms of resolving appeals, whether by written reps or otherwise, so I'm not quite sure when that would happen.

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And then, obviously, in terms of our development consent application, I, as I recall, we are concluding the examination at the end of September. And then we have the statutory period thereafter for the Secretary of State's while the writing of the report and the Secretary of State's decision. So further six months, I anticipate we may yet develop consent, if we get it before an appeal is determined. I don't think I mean, if planning permission, if a planning application was made promptly, and was granted by the planning authority, they would certainly have planning permission before we got developing content.

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And all I can say that is in circumstances were

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in circumstances where planning permission is granted in respect of a particular piece of land. And ultimately, development is frustrated by the exercise of compulsory purchase powers.

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As you'll be well aware, pursuant to the 6165 and 73 Act, there is a right to compensation under the compensation code. So matters may play out in one of any number of different scenarios. It may be that planning permission is granted and the development can be built. And that ultimately there is no

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there is no material conflict and then need not be any material conflict. I think the only thing I can sensibly say in response to what Mr. Johnson has said, is that I know that those sat alongside me and Mr. Brown in particular, will be engaging constructively and will be looking to work with he and Mr. Carswell.

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But as Mr. Johnston rightly recognises, I'm afraid there are limits to the assurances that can be given at this point. Because in the absence of understanding what ground conditions are in that particular location, and in those locations close by the precise routing of the pipeline is simply not a matter that can be determined

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with certainty at this point. So but what I can commit to is that the applicant will continue to engage with Mr. Johnston and his client, Mr. Caswell constructively.

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Thank you very much. Thank you.

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It's coming up to 10 past 11. Mr. Johnston. Did you want to deal with your second client Mr. Unsworth first, and then we have a break or you yourself may want a break. Is that up to you on this one? I'm looking to you.

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Giles Johnston on behalf of Unsworth

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think it would be sensible to deal with it now because it's quite a it's a more confined issue. But there are issues of commonality. So we're going to be repeating ourselves if we're not careful. And whilst people's minds are focused on it, I think it would be helpful to address it now if that's okay. Thank you very much for that and if the lands plans can be bought up show Mr. Owens Well, worse plots, which I believe 33 5789 and 10. Marvellous. Thank you very much.

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And whilst they're being brought up, Mr. Johnson over to you. Thank you, sir.

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Mr. Benson's with livers in a property called

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which is literally adjoining the northern extremity of the order limits. And in particular plot. I think it is 3037 If I'm interpreting the plan correctly.

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There have been meetings on site to discuss the the routing and again, as I say there are issues similar to the matters relating to Mr. Caswell in that it's more of a

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detailed alignment issue and concern from his point of view. He's he's conscious

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Is that the

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construction of his home was torrid because of ground conditions. He's very worried about a major civils activity in very close proximity to his new home. And, again, was really only looking for reassurance that the construction activities would be if they have to be sited within those order limits, that they will be as far to the south side of that order limits corridor, so as to minimise the risk of damage to his property.

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The applicant in discussion and negotiation has undertaken and it's appreciated that they have that they would implement monitoring in terms of the potential physical effects on his dwelling.

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That offer is appreciated and recognised however Mr. Owens was position is proven very much rather, that the risks associated with structural damage to his home were mitigated by careful thought and attention to routing as far away from his property as possible.

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Thank you.

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Thank you very much.

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Thank you, sir. I think I can come back relatively briefly on this I may need to pass in a moment to Mr. Pilkington, or perhaps in this instance, Mr. Cunningham, just to confirm we will be using

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HDD technology in this instance because we're having to go underneath the watercourse I believe it's called a great Oh, E A. U. French.

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Not a French name down here. I see. But yes, so we'll be HDD in this location.

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As to the extent to which it is possible to route

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that drilling towards the south of the Route Corridor.

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In order to maximise the distance from Mr. Unsworth dwelling, I think I'm probably going to need to pass that greater technical mind to the mind. So I don't know if it's Mr. Cunningham or Mr. Pilkington that can speak to that please.

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Sorry, no Cunningham, senior construction advisor helper energy. The horizontal directional technique there'll be used there will be

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a 36 inch diameter bore, it's approximately 100 metres away from the actual known property. We have tried to move it relocated, but that is subject to final route alignment. The alignments been arranged as straight as possible for the string length on the other side, the approximate distance is 380 metres in depth in length. We're looking at three different scenarios, 10 metres 50 metres and 20 metres depth but you'd appreciate we are constrained by the environmental impact assessment regarding the chalk layer. So that is under a technical review, and will as part of the fee design, but we will be located as far

as we can bear in mind we have to set up a construction rig. So we have to do approximate size and on the

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site. In essence, we will take it as far south as we can, but there are these engineering constraints. And we still have to do the borehole surveys, topographical survey as part of the fee design. So there is still work to be done. We'll try to accommodate as much as possible. We've already sort of located it but it's not being finalised.

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Okay.

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Miss Johnson is have you got anything else to say on that?

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Charles Johnston on behalf of an interest. Now don't think I can really add anything other than I've said before, which is the challenges are expecting landowners

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to

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accommodate the inability of the developer which is accepted from a technical point of view to give any real reassurance at this stage. And note that statement has been made that

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the works will be cited to as far south as possible, distant from you.

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And I look forward to seeing that documented at some point by the applicant. Thank you.

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Just just to put clarity at the moment there isn't an objection from Mr. Owens with Charles Johnson on behalf abandons with that is correct. So there is no objection, currently.

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Right, it's quarter past 11. So I think we'll take a break for till half past 11.

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So thanks

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very much and Mr Strawson thank you for hanging on a bit longer